

Planning and Zoning Commission

Memo


To: Village of Volente Council
From: Ken Beck, Chair, Planning and Zoning Commission
Date: September 11, 2011

Re: Ordinance Recommendation

At the Planning and Zoning Commission Meeting held Spt. 7th, 2011, discussion was held at length regarding the amending of the VoV Site Development Ordinance to specifically address the requirement for an "engineered site plan" to do new construction in the Village of Volente. The following points are meant to clarify the discussion that occurred and lay out our recommendation to the Village council.

1. The Village currently requires that all new construction and additions have a site plan certified by a professional engineer. The purpose of this requirement is to ensure that drainage is properly handled on the generally sloping lots that exist within Volente. The cost of this item can range from \$3K to \$5K. There is no provision in the current ordinance to relax this requirement for lots that are relatively flat.
2. The Village ordinances currently restrict a lot owner from building a driveway on any slope greater than or equal to 15%, and from building a home on any slope greater than or equal to 25%. After consultation with the Village engineer and attorney it was felt that a lot or a building site of 10% or less slope was reasonably flat and drainage could be addressed without the need for a professional engineer's design of a drainage plan.
3. The P&Z Commission recommends that the VoV Site Development Ordinance (SDO) be amended to state that if a lot owner or home owner can show that the construction disturbance area has a slope of less than or equal to 10%, that the requirement for an engineered site plan would be waived. The slope will be verified by Village personnel utilizing a map prepared by David Simons showing the 2' contour lines available for our area with shading to indicate areas of more than 10% slope. The applicant for a building permit would still have to
 - a. Not have any cut or fill of greater than 4 (Four) feet
 - b. Not require any variance to zoning or to the SDO
 - c. Submit an accurate boundary survey that shows all setbacks and easements drawn in by the applicant
 - d. Submit a site plan drawn by the owner to scale and/or dimensioned on the boundary survey
 - e. Calculate the impervious cover percentage once all construction is complete and demonstrate that it is less than 20%
 - f. Submit erosion and sedimentation control plans, tree protection control plan, and a basic water quality plan (a model of which will be prepared by Mark Dickey).
 - g. Ensure that all other ordinance provisions are adhered to such as height, etc.

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4. Provision should be made for an applicant to submit a request for a waiver of the engineered site plan for a building area that may be more than 10% but less than 15%. The applicant should present a topographical survey substantiating this request. The Village should delegate this decision to the Village engineer.
 5. If an applicant requests that the new building or the addition will be close to a side property line, the following requirements must be met – the building may be no less than 15' from a side lot boundary as long as there is NO fill planned for the area between the building and the lot line, and may be no less than 20' from a side lot boundary if fill is going to be used against the slab of the building. All other setback boundaries must be adhered to.
 6. These provisions would apply to residential construction only, and would apply to new home construction as well as the addition of accessory structures.

The P&Z Commission plans to address the area of home or building remodels at our next meeting.

Regards,

Ken Beck, Chair, P&Z Commission, Village of Volente

Volente 2011/2012 Proposed Budget Overview

September 3rd, 2011

To the Village Council

Attached is an excel file with the proposed 2011/2012 budget information as updated after our budget workshop last week. I am confident that Joan and I got everything that we spoke about onto this spreadsheet, but please don't hesitate to let us know if we missed something. My idea is for you to review this information so that you can be prepared for our next council meeting on September 20th, where we will finalize the planned budget.

Joan has already submitted our notification to the newspaper, of our plan to retain the same tax rate as last year of \$0.1286 per \$100 of valuation.

Below are some of my thoughts on the larger line items on the budget.

Revenues

As the overall appraised value in the village has declined slightly (by 2.5%) to \$145,446,093, our expected property tax revenue will be \$187,044 (Line item 4010 at top). Note also \$30,000 income line item 4931 'Transfer Parkland Reserve' which reflect a transfer into income from our Parkland Reserve fund for the purpose of building possible hike and bike trails (see expense line item 5268 'Parkland Infrastructure Development'). I will confirm with the auditors that this would be the best way to account for us spending Parkland Reserve funds.

Expenses

- 1) Line item 5028 'Employee Benefits ins' for \$12,000, which reflects health insurance costs for our new Village secretary as well as the projected costs of our previous secretary for 1 year, per our agreement.
- 2) Note that we have 3 line items for engineering or special consultant:
 - 5115 Professional Services Non Reimbursable for \$15,000 which I believe we mean for related to our consultation with our regular engineers about development topics. We spent \$1,619 on this last year.
 - 5120 Special Engineering Consultant for \$15,000, which I believe is for special projects like water and infrastructure advice. We spent \$1,000 on this last year
 - 5130 Special Consultant for \$10,000, which was the line item we used for prior years for our Legislative Consultant.

I am not sure that we got all this exactly as council wanted. We can confirm at our meeting on the 20th.

- 3) We have 3 line items for road project expenses:
 - Line item 5262 Roads and ROW for \$6,000 which can be used at the discretion of our Roads Committee for smaller repairs or road works or emergency repairs

- Line 5265, Cap Metro Road Project for \$29,000 that will be for road projects as approved by council during the year
- Line 5268 Roads and Rightaway for \$200,000 that is for the planned repair and resurfacing of Lime Creek Road

Given our expected large one time road expense, our budget is projected to come in at a deficit of approximately \$150,000.

Our historical cash position has changed over the last several years as follows:

September 2009: \$464,000 (Includes \$80,000 Parkland)

September 2010: \$590,000 (Includes \$90,000 Parkland)

September 3rd, 2011: \$685,000 (Includes \$90,000 Parkland)

We are also expecting a payment from Cap Metro for approximately \$36,000 as a reimbursement for road projects. That gives us an approximate pro-forma cash and short term receivables of \$721,000. Of that, about \$90,000 is reserved for the parkland fund, leaving about \$631,000 in unrestricted funds.

If we run a deficit of \$150,000, we should expect to be at about \$481,000 in unrestricted cash, (\$541,000 including the Parkland Fund) at the end of the 2011/2012 year.

Mark Scott

Village of Volente
Revenue & Expense Budget vs. Actual
October 1, 2010 through August 25, 2011

	Oct 1, 2010 Aug. 25, 2011	Budget	Budget	Proposed Budget 2011/2012
Ordinary Income/Expense				
Income				
4010 · Real Property Tax - Current Yr	189,770.29	180,614.00	105.07%	187,044.00
4015 · Real Property Tax Prior Yr	0.00	0.00	0.0%	0.00
4020 · Penalties & Interest	795.22	0.00	100.0%	0.00
4025 · Grants	0.00	40,000.00	0.0%	29,000.00
4030 · Mixed Beverage Sales Tax	3,326.60	3,000.00	110.89%	3,500.00
4040 · Franchise Fees	22,328.25	26,000.00	85.88%	25,000.00
4050 · Sales & Use Taxes	29,609.01	23,000.00	128.74%	30,000.00
4060 · Municipal Court Fees	0.00	100.00	0.0%	100.00
4400 · Building Review Fees.	13,783.00	10,000.00	137.83%	10,000.00
4401 · Subdivision Review Fee	3,967.00	10,000.00	39.67%	10,000.00
4402 · Sign Permit Fees	909.00	1,500.00	60.6%	1,000.00
4405 · Variance Fee	750.00	0.00	100.0%	2,500.00
470 · Earned Interest/Savs Acct	0.00	500.00	0.0%	3,500.00
4930 · Parkland Fee Account	0.00	10,000.00	0.0%	10,000.00
4931 · Transfer Parkland Reserve				30,000.00
4998 · Farmers Market	1,571.41	0.00	100.0%	3,000.00
4999 · Uncategorized Income	3,796.24	1.00	3,796.24%	0.00
Total Income	270,606.02	304,715.00	88.81%	344,644.00
Cost of Goods Sold				
5000 · Cost of Goods Sold	0.00	0.00	0.0%	0.00
Total COGS	0.00	0.00	0.0%	0.00
Gross Profit	270,606.02	304,715.00	88.81%	344,644.00
Expense				
10000 · Bank service charges	100.31	0.00	100.0%	100.00
5010 · Depreciation	0.00	0.00	0.0%	0.00
5020 · Wages Reg Employees	58,794.29	41,639.00	141.2%	0.00
5024 TML Retirement				2,100.00
5026 · Employment Taxes	3,063.03	4,000.00	76.58%	0.00
5028 · Emp Benefits Ins	6,051.37	5,550.00	109.03%	12,000.00
5100 · Attorney				
5111 · Attorney - City Projects	0.00	0.00	0.0%	0.00
5112 · Attorney Litigation	0.00	0.00	0.0%	0.00
5100 · Attorney - Other	12,264.13	48,000.00	25.55%	20,000.00
Total 5100 · Attorney	12,264.13	48,000.00	25.55%	20,000.00
5113 · Development Inspection Serv Rei	2,765.00	10,000.00	27.65%	10,000.00
5114 · Development Plan Review Reimb	4,312.92	10,000.00	43.13%	10,000.00

Village of Volente

Revenue & Expense Budget vs. Actual

October 1, 2010 through August 25, 2011

	Oct 1, 2010	Budget	Budget	Proposed Budget
	Aug. 25, 2011			2011/2012
5115 · Professional Services Non Reimb	1,619.41	15,000.00	10.8%	15,000.00
5120 · Special Engineering Consultant	1,000.00	10,000.00	10.0%	15,000.00
5121 · Contract Police Services	0.00	6,000.00	0.0%	3,000.00
5122 · Code Enforcement Labor	1,275.68	10,000.00	12.76%	15,000.00
5123 · Contract Labor	2,450.00	0.00	100.0%	500.00
5124 · Miscellaneous/Reimbursment	275.00	0.00	100.0%	0.00
5125 · Audit	5,700.00	5,500.00	103.64%	5,700.00
5126 · Grant Writer	0.00	100.00	0.0%	100.00
5127 · Tax Collection - Travis Co	1,000.82	1,787.00	56.01%	1,787.00
5128 · Advertising/Public Notices	484.72	1,000.00	48.47%	1,000.00
513 Special Consultant	0.00	18,000.00	0.0%	10,000.00
5210 · Election Expense	0.00	1,000.00	0.0%	1,000.00
5211 · Events				
5201 · Farmers Market	7,044.04	0.00	100.0%	5,000.00
5211 · Events - Other	0.00	2,500.00	0.0%	2,500.00
Total 5211 · Events	7,044.04	2,500.00	281.76%	7,500.00
5212 · Office Supplies - General	1,013.93	1,500.00	67.6%	1,500.00
5213 · Office Supplies printing				
5215 · Brochure - Printing	1,500.00	0.00	100.0%	0.00
5213 · Office Supplies printing - Other	2,070.24	1,750.00	118.3%	2,000.00
Total 5213 · Office Supplies printing	3,570.24	1,750.00	204.01%	2,000.00
5214 · Office Supplies - Postage	834.82	1,750.00	47.7%	1,000.00
5216 · Equipment Rental	3,066.13	3,300.00	92.91%	3,300.00
5217 · Office Equipment & Furniture	48.70	1,175.00	4.15%	1,000.00
5218 · Website Maintenance	590.00	300.00	196.67%	2,000.00
5219 · Books & Publications	0.00	250.00	0.0%	250.00
521 I. T. /Software				1,500.00
5220 · Dues, Fees, & Subscriptions	807.00	1,000.00	80.7%	1,000.00
5221 · Firehall Rental	303.75	2,000.00	15.19%	2,000.00
5222 · Utilities - Electric	957.82	1,500.00	63.86%	1,500.00
5223 · Telephone Internet				
5224 · Utilities - Telephone	0.00	0.00	0.0%	0.00
5225 · Utilities- Internet access	0.00	0.00	0.0%	0.00
5223 · Telephone Internet - Other	1,478.75	1,800.00	82.15%	1,800.00
Total 5223 · Telephone Internet	1,478.75	1,800.00	82.15%	1,800.00
5240 · Insurance, Liab/workers comp	1,014.17	2,550.00	39.77%	2,550.00
5250 · Municipal Court Expenditures	0.00	8,000.00	0.0%	1,000.00
5260 · ROW Herbicide	1,418.83	2,000.00	70.94%	2,000.00
5261 · Mowing	614.06	2,500.00	24.56%	2,500.00
5262 · Roads & ROW	80.00	6,000.00	1.33%	6,000.00
5263 · Street Signs (New & Repairs)	1,953.39	1,500.00	130.23%	1,500.00

Village of Volente Revenue & Expense Budget vs. Actual

October 1, 2010 through August 25, 2011

	Oct 1, 2010	Budget	Budget	Proposed Budget
	Aug. 25, 2011			2011/2012
5264 · Tree Trimming	0.00	11,500.00	0.0%	11,500.00
5265 · Cap Metro Road Project	35,949.74	40,000.00	89.87%	29,000.00
5268 Roads & Rightaway				200,000.00
526 Transfer to Parkland	0.00	10,000.00	0.0%	10,000.00
526 Parkland Inf Development				30,000.00
5281 · Training & Ed - St	0.00	1,000.00	0.0%	1,000.00
5282 · Training & Ed - Council	305.00	1,764.00	17.29%	1,764.00
5761 · Parkland Refund Adj	0.00	0.00	0.0%	0.00
660 Payroll/Liability Taxes	1,778.28	0.00	100.0%	46,000.00
Total Expense	163,985.33	293,215.00	55.93%	493,451.00
 Net Ordinary Income	 106,620.69	 11,500.00	 927.14%	 148,807.00

9

Village of Volente

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ORDINANCE NO. 20070402-1_

AN ORDINANCE ADOPTING REGULATIONS TO PREVENT EXCESSIVE SOUND LEVELS WITHIN THE VILLAGE OF VOLENTE; PROVIDING FOR DEFINITIONS; PROHIBITIONS; ENFORCEMENT, FINES AND CRIMINAL PENALTIES; SEVERABILITY; PUBLIC NOTICE; OPEN MEETINGS; AND, EFFECTIVE DATE.

WHEREAS, the Village of Volente desires to protect its citizens from excessive sound levels within its corporate boundaries; and

WHEREAS, the Village of Volente finds that the adoption of the sound standards set forth in this Ordinance will help protect its citizens from excessive noise within the Village of Volente; and

WHEREAS, excessive sound is a hazard to the public health and welfare, safety, and the quality of life; and

WHEREAS, a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS, the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade their quality of life

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

Section One: The Village of Volente adds Chapter 44 to its Code of Ordinances by adopting the following provisions regulating excessive sound levels within its corporate boundaries.

Section Two: Legislative Findings

The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative Findings of the Village Council, and are hereby incorporated within this Ordinance.

Section Three: Purpose and Scope

This Ordinance is adopted to prevent excessive sounds levels with the corporate limits of the Village of Volente to promote the health, safety, welfare, convenience and enjoyment of the citizens of Volente.

Section Four:

ARTICLE 44.000 NOISE CONTROL REGULATIONS

DIVISION 1: GENERAL PROVISIONS

Sec.44.001 Short Title

This ordinance may be cited as the “Noise Control Ordinance of the Village of Volente”

Sec.44.002 Definitions

a. Terminology

All terminology used in this ordinance not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

b. “A-Weighted Sound Level” Means

The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

c. “Ambient Level” Means

The noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise at the location and approximate time at which a comparison with the alleged offensive noise is to be made. Ambient noise shall be measured as an integrated average, equivalent level (Leq), over a period of at least 1 minute at a location and time of day comparable to that during which the measurement of the alleged offensive noise is taken.

d. “C-Weighted Sound Level” Means

The sound pressure level in decibels as measured on a sound level meter using the C-weighting network. The level so read is designated dB(C) or dBC.

e. “Construction” or “Commencement of Construction” Means

Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or over public or private rights-of-way, structures, utilities or similar property.

f. “Decibel (dB)” Means

A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

g. “Demolition” Means

Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

h. "Emergency" Means

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

i. "Emergency Work" Means

Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

j. "Noise Control Officer" Means

The Code Official having lead responsibility for administration and enforcement of this ordinance.

k. "Equivalent Sound Level (Leq)" Means

The constant sound level that in a given time period, conveys the same sound energy as the actual time-varying sound.

l. "Gross Vehicle Weight Rating (GVWR)" Means

The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle shall be used.

m. "Impulsive Sound" Means

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

n. "Industrial Facility" Means

any piece of equipment and/or operational facility, which is located within a tract of land zoned as a commercial or industrial zone within the Village boundaries, or otherwise used for commercial or industrial purposes.

o. "Intermittent Noise" Means

-a noise where the noise level suddenly drops to that of the background noise several times during the period of observation. The time during which the noise remains at levels different from that of ambient is one second or more.

pn. "Motorboat" Means

Any vessel which operates on water and is propelled by a motor, including but not limited to, boats, barges, amphibious craft, water ski towing devices and hover craft.

go. "Motorcycle" Means

An unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including but not limited to, motor scooters and mini-bikes.

Definition of motor vehicle?

rp. “Muffler or Sound Dissipative Device” Means

A device for abating sound of escaping gases of an internal combustion engine.

sq. “Noise” Means

Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

tr. “Noise Violation” Means

Any sound that meets the criteria described in sections 44.005 or 44.007.

us. “Person” Means

Any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State.

vt. “Powered Model Vehicle” Means

Any self-propelled airborne, waterborne, or land borne plane, vessel, or vehicle, which is not designed to carry persons, including, but not limited to any model airplane, boat, car, or rocket.

wh. “Public Right-of-Way” Means

Any street, avenue, boulevard, highway, sidewalk or alley or similar place, which is owned or controlled by a governmental entity.

xv. “Public Space” Means

Any real property or structures thereon which are owned or controlled by a governmental entity.

yw. “Real Property Boundary” Means

An imaginary line along the ground surface, and its vertical extension, which separates the real property owned or leased by one person from that owned or leased by another person, but not including intra-building real property divisions.

zx. “RMS Sound Pressure” Means

The square root of the time averaged square of the sound pressure, denoted Prms.

aay. “Sound” Means

An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

bbz. “Sound Level” Means

The weighted sound pressure level obtained by the use of a sound level meter and

frequency-weighting network, such as A or C, as specified in the American National Standards Institute specifications for sound level meters (ANSI S1.4-1971), or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-weighting shall apply.

ccaa. "Sound Level Meter" Means

An instrument which includes a microphone, amplifier, RMS detector, integrator or time averaging device, output meter, and weighting networks used to measure sound pressure levels.

ddbb. "Sound Pressure" Means

The instantaneous difference between the actual pressure and the average or barometric pressure of a given point in space, as produced by sound energy.

eeee. "Sound Pressure Level" Means

20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals ($20 \times 10^{-6} \text{N/m}^2$). The sound pressure level is denoted L_p , or SPL and is expressed in decibels.

ff. "Tonal Noise" Means

a noise containing a prominent frequency and characterized by a definite pitch. Any sound that contains a one-third octave band whose level is at least 5 dB higher than the average of the levels of the two surrounding one-third octave bands shall be considered tonal.

"Tonal Noise" means [INSERT DEFINITION]

gg. "Utility Facility" Means any piece of equipment and/or operational facility, which is a located within a tract of land zoned for the location of utility facilities within the Village boundaries, or which otherwise is used by a utility for the production, transmission or treatment of cable, electrical, water, wireless or wastewater services.

hhdd. "Weekday" Means

Any day Monday through Friday which is not a legal holiday.

Sec.44.003 Powers and Duties of the Noise Control Officer (NCO)

a. Lead Official

The noise control program established by this ordinance shall be administered by the Code Official; Noise Control Officer (NCO). The NCO shall be Board Certified by the Institute of Noise Control Engineering.

b. Powers of the Noise Control Officer (NCO)

In order to implement and enforce this ordinance and for the general purpose of sound abatement and control, the NCO shall have, in addition to any other authority vested in it,

the power to:

(1)e. Studies

Conduct, or cause to be conducted, research, monitoring, and other studies related to sound.

(2)d. Education

(A1) Conduct programs of public education regarding:

(1A) the causes, effects and general methods of abatement and control of noise; and,

(2B) the actions prohibited by this ordinance and the procedures for reporting violations; and

(B2) Encourage the participation of public interest groups in related public information efforts.

(3)e. Coordination and Cooperation

(A1) Coordinate the noise control activities of all municipal departments;

(B2) Cooperate to the extent practicable with all appropriate State and Federal agencies;

(C3) Cooperate or combine to the extent practicable with appropriate county and municipal agencies; and,

(D4) Enter into contracts with the approval of Village Council for the provision of technical and enforcement services.

(4)f. Review of Actions of Other Departments

Request any other department or agency responsible for any proposed or final standard, regulation or similar action to consult on the advisability of revising the action, if there is reason to believe that the action is not consistent with this ordinance.

(5)g. Review of Public and Private Projects

Review public and private projects, subject to mandatory review or approval by other departments, for compliance with this ordinance, if such projects are likely to cause sound in violation of this ordinance.

(6)h. Inspections

(A1) Upon presentation of proper credentials, enter and inspect any private property or place, and inspect any report or records at any reasonable time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon showing of probable cause to believe that a violation

of this ordinance may exist. Such inspection may include administration of any necessary tests.

(B2) Stop any motor vehicle, motorcycle, or motorboat operated on a public right-of-way, public space, or public waterway reasonably suspected of violating any provision of Section 44.007 of this ordinance, and issue a notice of violation or abatement order which may require the motor vehicle, motorcycle or motorboat to be inspected or tested as the Noise Control Officer may reasonably require.

(7)i. Measurements by the Owner or Operator

Require the owner or operator of any commercial, ~~or industrial, or utility facility or business, or operation~~ activity to measure the sound level of any source in accordance with the methods and procedures and at such locations and times as the NCO may reasonably prescribe and to furnish reports of the results of such measurements to the NCO. The NCO may require the measurements to be conducted in the presence of its enforcement officials.

(8)j Product Performance Standard Recommendations

(A1) Develop and recommend for promulgation to the Village Council provisions regulating the use and operation of any product, including the specification of maximum allowable sound emission levels of such product.

(B2) Develop and recommend for promulgation to the Village Council provisions prohibiting the sale of products which do not meet specified sound emission levels, where the sound level of the product is not regulated by the United States Environmental Protection Agency under Section 6 of the Noise Control Act of 1972.

(C)k. Duties of Noise Control Officer (NCO)

In order to implement and enforce this ordinance effectively, the NCO shall within a reasonable time after the effective date of the ordinance:

(1) Standards, Testing Methods, and Procedures

Develop and promulgate standards, testing methods and procedures.

(2) Investigate and Pursue Violations

In consonance with Section 44.2.6, Article IX, and other provisions of this ordinance, investigate and pursue possible violations of this ordinance.

(3) Delegation of Authority

Delegate functions, where appropriate under this ordinance, to personnel within other agencies or departments as required.

(4)l. Truck Routes and Transportation Planning

(A1) Study the existing transportation systems, such as truck routes within the community; determine areas with sensitivity to sound caused by transportation;

recommend changes or modifications to transportation systems to minimize the sound impact on residential areas.

(B2) Assist in or review the total transportation planning of the community, including planning for new roads and highways, bus routes, airports, and other systems for public transportation, to ensure that the impact of sound receives adequate consideration.

(5)m. Administer Grants, Funds and Gifts

Administer noise programs and other funds and gifts from public and private sources, including the State and Federal governments.

Sec.44.004 Duties and Responsibilities of Other Departments

a. Departmental Actions

All departments and agencies shall, to the fullest extent consistent with other law, carry out their programs in such a manner as to further the policy of this ordinance.

b. Departmental Cooperation

All departments and agencies shall cooperate with the NCO to the fullest extent in enforcing this ordinance.

c. Departmental Compliance with Other Laws

All departments and agencies shall comply with Federal and State laws and regulations and the provisions and intent of this ordinance respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.

d. Project Approval

All departments whose duty it is to review and approve new projects or changes to existing projects that result, or may result, in the production of sound shall consult with the NCO prior to any such approval.

e. Low Noise Emission Products

Any product which has been certified by the Administrator of the United States Environmental Protection Agency pursuant to Section 15 of the Noise Control Act as a low noise emission product and which he determines is suitable for use as a substitute, shall be procured by the Village and used in preference to any other product, provided that such certified product is reasonably available and has a procurement cost which is not more than (125) percent of the least expensive type of product for which it is certified as a substitute.

Sec.44.005 Prohibited Acts

a. a.—Noise Violation

A “Noise Violation” is a sound that exceeds any of the following allowable equivalent sound levels (Leq) in Table 1 measured for a duration of at least 1 minute:

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- (1) ~~60 dBA or 72 dBC between the hours of 7:00 a.m. and 9:00 p.m.~~
- (2) ~~55 dBA or 65 dBC between the hours of 9:00 p.m. and 7:00 a.m. the following day."~~
- (3) ~~Where the ambient equivalent sound level (Leq) measured for a duration of at least 1 minute exceeds 55 dBA or 67 dBC between the hours of 7:00 a.m. and 9:00 p.m., then the ambient level plus 5 dB becomes the maximum allowable sound level.~~
- (4) ~~Where the ambient equivalent sound level (Leq) measured for a duration of at least 1 minute exceeds 48 dBA or 60 dBC between the hours of 9:00 p.m. and 7:00 a.m. the following day, then the ambient level plus 5 dB becomes the maximum allowable sound level.~~

Table 1. A-Weighted and C-Weighted Noise Limits

<u>Zoning District</u>	<u>Nighttime dBA/ dBC</u>	<u>Daytime dBA/ dBC</u>	<u>Daytime Tonal Noise dBA/ dBC</u>	<u>Daytime Impulsive Sound dBA/ dBC</u>	<u>Daytime Intermittent dBA/ dBC</u>
R-1, R-1R, R-2	43/57	48/62	43/57	41/55	48/62
C-1, C-2	53/67	58/72	53/67	51/65	58/72
C-3	58/72	63/77	58/72	56/70	63/77

Nighttime is between the hours of 9:00 PM and 7:00 AM. Daytime is between the hours of 7:00 AM and 9:00 PM.

A sound shall be considered tonal if the NCO and the person responsible for the sound agree that it is tonal. If the NCO considers the sound tonal but the person responsible for the sound disagrees, then one-third octave band sound pressure levels shall be measured, the limitations in Table 2 below shall be enforced, and the sound shall be considered tonal or non tonal in accordance with the definition of "Tonal Noise" in Sec. 44.002.

Tonal Noise and Impulsive Sound are prohibited entirely during Nighttime hours.

The zoning district applies to the property on which the sound is received, not the property where the sound is produced. The sound level can be measured at any location on the property, not just the property line.

What about one-third octave band limits?-

Table 2. One-Third Octave Band Limits

<u>One-Third Octave Band Center Frequency, Hz</u>	<u>Nighttime</u>	<u>Daytime</u>	<u>Daytime, with impulsive</u>	<u>Daytime, with tonal components</u>
12.5	55	60	53	55

16	53.8	58.8	51.8	53.8
20	52.6	57.6	50.6	52.6
25	51.4	56.4	49.4	51.4
31.5	50.2	55.2	48.2	50.2
40	49	54	47	49
50	47.8	52.8	45.8	47.8
63	46.6	51.6	44.6	46.6
80	45.4	50.4	43.4	45.4
100	44.2	49.2	42.2	44.2
125	43	48	41	43
160	41.8	46.8	39.8	41.8
200	40.6	45.6	38.6	40.6
250	39.4	44.4	37.4	39.4
315	38.2	43.2	36.2	38.2
400	37	42	35	37
500	35.8	40.8	33.8	35.8
630	34.6	39.6	32.6	34.6
800	33.4	38.4	31.4	33.4
1000	32.2	37.2	30.2	32.2
1250	31	36	29	31
1600	29.8	34.8	27.8	29.8
2000	28.6	33.6	26.6	28.6
2500	27.4	32.4	25.4	27.4
3150	26.2	31.2	24.2	26.2
4000	25	30	23	25
5000	23.8	28.8	21.8	23.8
6300	22.6	27.6	20.6	22.6
8000	21.4	26.4	19.4	21.4
10000	20.2	25.2	18.2	20.2
12500	19	24	17	19
16000	17.8	22.8	15.8	17.8
20000	16.6	21.6	14.6	16.6

b. Method of Noise Measurement

(1) All measurements shall be made with an integrating sound level meter that satisfies the requirements pertinent for Type 21 Sound Level Meters in the American National Standards Institute ANSI S1.4-1983, "Specifications for Sound Level Meters."

(2) ~~Calibrate the sound level meter following the meter manufacturer's recommendations. Measure the one-third octave band sound pressure level, the A-weighted sound level, and the C-weighted sound level. Calibrate the~~ The sound level meter shall be calibrated according to following the meter manufacturer's recommendations.

(3) Place a windscreen over the microphone.

(4) Support the instrument and orient the microphone in accordance with the

manufacturer's instructions.

(5) Position the microphone between 4 feet (1.2 meters) and 65 feet (1.85 meters) above ground.

(6) Position the microphone at least 4 feet (1.2 meters) from any solid~~reflective~~ surfaces.

(7) Do not position the microphone in or at a door, window, duct, louver, or other building opening.

(8) Set the meter response or detector to "slow."

(9) Set the meter weighting to "A" or "C."

(10) Measure the A-weighted sound level, the C-weighted sound level, and, if necessary pursuant to Section 44.005(a), the one-third octave band sound pressure level.

~~(11)~~ In addition to the above procedures, measurements and measurement reports should be made in general accordance with American Society for Testing and Materials ASTM E 1014-84, "Standard Guide for Measurement of Outdoor A-Weighted Sound Levels."

c. **Specific Prohibitions**

Within the Village of Volente Jurisdiction, the following acts, and the causing thereof, are declared to be in violation of this ordinance:

(1) Radios, Television Sets, Musical Instruments and, Similar Devices

Operating, playing or permitting the operation or playing of any radio, television, phonograph, CD player, juke box, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:

(A) That produces a noise violation received across a residential real property boundary;

(B) In such a manner as to create a noise violation at 50 feet (15 meters) from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters; or

(C) In any place of public entertainment at an equivalent sound level (Leq) greater than 9985 dBA as read by the slow response on a sound level meter, at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, slating "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT."

(D) This section shall not apply to non-commercial spoken language.

(2) Loudspeakers/Public Address Systems

(A) Using or operating for any non-commercial purpose any loudspeaker public address system, or similar device for spoken language between the hours of 9:00 p.m. and 7:00 a.m. the following day, such that the sound therefrom creates a noise violation across a residential real property boundary, except during July 4th celebrations or other national holiday celebrations, and during properly permitted parade events.

(B) Using or operating for any commercial purpose any loudspeaker public address system, or similar device for spoken language such that the sound therefrom creates a noise violation (1) across a residential real property boundary; or (2) between the hours of 9:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space.

(3) Loading and Unloading

Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 9:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise violation across a residential real property boundary.

(4) Construction

Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work:

(A) Before 7:00 a.m. or after 9:00 p.m. on weekdays, or before 8:00 a.m. or after 6:00 p.m. on Saturdays, Sundays or holidays, during the months of April through October, such that the sound therefrom creates a ~~Noise V~~ violation across a residential real property boundary, except for emergency work of public service utilities or by special exception issued pursuant to the provisions of this Ordinance.

(B) Before 7:00 a.m. or after 7:00 p.m. on weekdays, or before 8:00 a.m. or after 6:00 p.m. on Saturdays, Sundays, or holidays, during the months of November through March such that the sound therefrom creates a ~~Noise V~~ violation across a residential real property boundary, except for emergency work of public service utilities or by special exception issued pursuant to the provisions of this Ordinance.

(C) All construction equipment shall be properly maintained and equipped with standard or better noise-reduction accessories such as silencers. Construction equipment should be sited to minimize noise impacts. Work processes should be planned to minimize noise impacts.

(DC) This section shall not apply to the use of domestic power tools.

(5) **Vehicle or Motorboat Repairs and Testing**

Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise violation across a residential real property boundary.

(6) **Powered Model Vehicles**

Operating or permitting the operation of powered model vehicles in a public space so as to create a noise violation across a residential real property boundary, ~~in a public space~~ between the hours of 9:00 p.m. and 7:00 a.m. the following day.

(7) **Stationary Non-Emergency Signaling Devices**

(A) Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle, horn, or similar device, intended primarily for non-emergency purposes, from any place, for more than one minute in any hourly period during the daytime.

(B) Devices used in conjunction with places of religious worship shall be exempt from the operation of this provision.

(8) **Emergency Signaling Devices**

(A) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, horn or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in Subsection (b).

(B) Emergency Signaling Testing:

(1) Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 9 a.m. or after 6 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 5 seconds.

(2) Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 9 a.m. or after 6 p.m. The time limit specified in subsection (1) shall not apply to such complete system testing.

(3) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within 10 minutes of activation.

(9) **Domestic Power Tools**

Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, leaf blower, or similar device used outdoors between the hours of 9:00 p.m. and 7:00 a.m. the following day so as to cause a noise violation across a residential real property boundary.

(10) **Tampering**

The following act or the causing thereof is prohibited:

(A) The intentional moving or rendering inaccurate or inoperative of any sound monitoring instrument or device positioned by or for the NCO, provided such device or the immediate area is clearly labeled, in accordance with NCO regulations, to warn of the potential illegality.

(11) **Industrial and Utility Facilities—Construction and Operational Permits**

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The construction or operation of an industrial or utility facility without the permits required by this subsection is a violation of this Ordinance.

(A) A Noise Control Permit for Construction must be obtained from the Village before construction of any industrial or utility facility may commence. The Village shall place conditions on the permit to insure that noise levels from the facility will comply with the provisions of this Ordinance.

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(B) A Noise Control Permit for Operations must be obtained from the Village before any industrial or utility facility may begin operations. The owner or operator of an industrial or utility facility must apply to the Village for an Noise Control Permit for Operations within sixty (60) days of completion of construction of the industrial or utility facilities. The Village shall place conditions on the permit to insure that noise levels from the facility will comply with the provisions of this Ordinance.

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(C) All applications for Noise Control Permits for Construction and Noise Control Permits for Operations (collectively referred to as "Noise Control Permits") shall contain the information requested in the Village's permit application form.

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(D) All representations made in a Noise Control Permits applications become necessary conditions upon which a on the Noise Control Permit is granted and misrepresentations can be a basis for revoking the permit.

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(E) Upon filing an application for a Noise Control Permit, the applicant must submit (i) an Environmental Noise Impact Analysis (a/k/a an acoustical analysis) describing both the existing ambient noise levels and the potential

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noise from the construction or operation of the proposed facility in the construction or operations area and across surrounding residential real property boundaries, and (ii) a Noise Abatement Plan to be implemented. Both the Environmental Noise Impact Analysis and Noise Abatement Plan are subject to Village review and approval

(1) The Environmental Noise Impact Analysis shall meet the requirements to be set by the Village and must include an existing ambient sound study that provides measurements of the existing sound levels in the planned construction or operating area and across surrounding residential real property boundaries, during both day and night hours. The existing ambient noise shall be measured using the methods of measurement for both the usual noise components and the low frequency noise components as described in this ordinance. The Environmental Noise Impact Analysis shall also:

(a) identify and quantify the noise potentially contributed by traffic (both long-term and short-term noises) associated with the facility, by construction operations and equipment, and by operational equipment, and by maintenance operations;

(b) identify and analyze sound contributions from all stationary noise sources, including but not limited to, electrical pump motors, transformers, generators, and other system equipment involved in the proposed construction or industrial or utility facility operations; and

(c) include a description of the potential levels of low frequency and infrasound noise, vibration, and an estimate of tonal, and impulsive-and intermittent noises to be produced by the construction or operations.

(2) The Noise Abatement Plan shall meet the requirements to be set by the Village and must include plans for implementing the best available noise abatement technology. The Noise Abatement Plan shall provide for the mitigation of all non-compliant noise and demonstrate and guarantee that the plan's implementation will ensure that the noise resulting from the construction or ongoing operations of the industrial or utility facilities will not exceed the noise standards established by this ordinance.

(F) The permits required under this Section shall be issued in the same manner as a building permit is issued in the Village. Appeals from the administrative decision to issue, deny or condition a permit shall be to the Village Council.

Sec.44.006 Exceptions

a. Emergency Exception

The provisions of this ordinance shall not apply to:

- (1) the emission of sound for the purpose of alerting persons to the existence of an emergency, or
- (2) the emission of sound in the performance of emergency work.

b. Special Exceptions

- (1) The NCO shall have the authority, consistent with this section, to grant special exceptions which may be requested pursuant to Section 44.005c(4) (Construction).
- (2) Any person seeking a special exception pursuant to this section shall file an application with the NCO. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special exception is sought into compliance with this ordinance would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Notice of an application for a special exception shall be published according to Village procedure. Any individual who claims to be adversely affected by allowance of the special exception may file a statement with the NCO containing any information to support his claim. If the NCO finds that a sufficient controversy exists regarding an application, a public hearing may be held.
- (3) In determining whether to grant or deny the application, the NCO shall balance the hardship to the applicant, the community, and other persons of not granting the special exception against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the special exception. Applicants for special exceptions and persons contesting special exceptions may be required to submit any information the NCO may reasonably require. In granting or denying an application, the NCO shall place on public file a copy of the decision and the reasons for denying or granting the special exception.
- (4) Special exceptions shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special exception shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special exception shall terminate it and subject the person holding it to those provisions of this ordinance regulating the source of sound or activity for which the special exception was granted, including enforcement actions.
- (5) Application for extension of time limit specified in special exceptions or for modification of other substantial conditions shall be treated like applications for initial special exceptions under subsection (2).
- (6) The NCO may issue guidelines defining the procedures to be followed in applying for a special exception and the criteria to be considered in deciding whether to grant a special exception.

c. Exceptions for Time to Comply

(1) Within 30 days following the effective date of this ordinance, the owner of any commercial or industrial source of sound may apply to the NCO for an exception in time to comply with Section 44.005. The NCO shall have the authority, consistent with this section, to grant an exception, not to exceed 60 days from the effective date of this ordinance.

(2) Any person seeking an exception in time to comply shall file an application with the NCO. The application shall contain information which demonstrates that bringing the source of sound or activity for which the exception is sought into compliance with this ordinance prior to the date requested in the application would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Notice of an application for an exception in time to comply shall be published according to Village procedure. Any individual who claims to be adversely affected by allowance of the exception in time to comply may file a statement with the NCO containing any information to support their claim. If the NCO finds that a sufficient controversy exists regarding an application, a public hearing may be held.

(3) In determining whether to grant or deny the application, the NCO shall balance the hardship to the applicant, the community, and other persons of not granting the exception in time to comply, against the adverse impact on health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the exception. Applicants for exceptions in time to comply and persons contesting exceptions may be required to submit any information the NCO may reasonably require. In granting or denying an application, the NCO shall place on public file a copy of the decision and the reasons for denying or granting the exception in time to comply.

(4) Exceptions in time to comply shall be granted to the applicant containing all necessary conditions, including a schedule for achieving compliance. The exception in time to comply shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the exception shall terminate the exception and subject the person holding it to those provisions of this ordinance for which the exception was granted.

(5) Application for extension of time limits specified in exceptions in time to comply or for modification of other substantial conditions shall be treated like applications for initial exceptions under subsection (2), except that the NCO must find that the need for the extension or modification clearly outweighs any adverse impacts of granting the extension or modification.

(6) The NCO may issue guidelines defining the procedures to be followed in applying for an exception in time to comply and the criteria to be considered in deciding whether to grant an exception.

d. Appeals

Appeals of an adverse decision of the NCO shall be made to the Board of Adjustment.

Sec.44.007 Motor Vehicle Maximum Sound Levels

a. Adequate Mufflers or Sound Dissipative Devices

(1) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation:

(2) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle.

b. Motor Vehicle Horns and Signaling Devices

The following acts and the causing thereof are declared to be in violation of this ordinance:

(1) The sounding of any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public space, except as a warning of danger.

c. Standing Motor Vehicles

No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 10 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within 300 feet (92 meters) of a residential area between the hours of 9:00 p.m. and 7:00 a.m. the following day.

d. Recreation Motorized Vehicles Operating Off Public Rights-of-way

No person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds 76 dBA (Leq) at a distance of 50 feet (15 meters) or more from the path of the vehicle when operated on a public space or at or across the boundary of private property when operated on private property. This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, scooters, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats.

Sec.44.008 Enforcement

a. Penalties and Injunctive Relief

(1) The Village may bring a civil action for the enforcement of this ordinance in a Travis County District Court pursuant to the provisions of Chapter 54.012 et seq. of the Texas Local Government Code for civil penalties and injunctive relief.

(2) The Village may bring a criminal action in its municipal court against any person who violates any provision of this ordinance. Upon conviction, the person shall be fined for each offense a sum of not less than one hundred dollars and not more than one thousand dollars.

(3) Each day of violation of any provision of this ordinance shall constitute a separate offense.

b. Abatement Orders

(1) Except as provided in subsection (2), in lieu of issuing a notice of violation as provided for in Section c, the NCO or other agency responsible for enforcement of any provision of this ordinance may issue an order requiring abatement of any source of sound alleged to be in violation of this ordinance within a reasonable time period and according to guidelines, which the NCO may prescribe.

(2) An abatement order shall not be issued:

(A) for any violation covered by Section a(2);

(B) when the NCO or other enforcement agency has reason to believe that there will not be compliance with the abatement order.

c. Notice of Violation

Except where a person is acting in good faith to comply with an abatement order issued pursuant to Section b(1), violation of any provision of this ordinance shall be cause for a notice of violation to be issued by the NCO or other responsible enforcement agency according to procedures which the NCO may prescribe.

d. Immediate Threats to Health and Welfare

(1) The NCO shall order an immediate halt to any sound which exposes any person, except those excluded pursuant to subsection (2), to continuous sound levels in excess of those shown in Table 24. Within 10 days following issuance of such an order, the NCO shall apply to the appropriate court for an injunction to replace the order;

(2) No order pursuant to subsection (a) shall be issued if the only persons exposed to sound levels in excess of those listed in Table 24 are exposed as a result of;

(A) trespass;

(B) invitation upon private property by the person causing or permitting the sound, or

(C) employment by the person or a contractor of the person causing or permitting the

sound.

(3) Any person subject to an order issued pursuant to subsection (1) shall comply with such order until;

(A) the sound is brought into compliance with the order, as determined by the NCO, or

(B) a Judicial order has superseded the NCO order.

(4) Any person who violates an order issued pursuant to this section shall, for each day of violation, be fined not less than one hundred dollars nor more than two thousand dollars.

TABLE 24

CONTINUOUS SOUND LEVELS WHICH POSE AN IMMEDIATE THREAT TO HEALTH AND WELFARE¹

Sound Level Limit (dBA)	Duration
90	24 hours
93	12 hours
96	6 hours
99	3 hours
102	1.5 hours
105	45 minutes
108	22 minutes

¹ Use equal energy time-intensity trade-off if level varies.

Section 5: Severability

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

Section 6: Effective Date

This Ordinance shall take effect after any required posting and publication of this Ordinance.

Section 7: Public Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

| **PASSED AND APPROVED** this 4th day of ~~April~~ January, 20087.

Jan Yenawine, Mayor
Village of Volente

ATTEST:

Jennifer Zuwalt, Village Secretary



VOLENTE FIRE DEPARTMENT

Travis County Emergency Services District No. 14
15406 FM 2769
Volente, Texas 78641

Phone: 512-258-1114
Facsimile: 512-335-0657
www.VVFD.net

September 11, 2011

Residents of Travis County ESD No. 14

All,

As everyone is aware the central Texas area is experiencing critical fire weather behavior. Last week our entire region was under siege. Although we do not have any current large scale fires occurring right now in Travis or Williamson counties, conditions are still favorable for another outbreak until we get significant rain fall.

I am proud to report that all of the regions departments worked very closely last week to mitigate the fires in our immediate area. Our department assisted on all of the fires in Travis County.

We were able to accomplish this with the response of our volunteer and paid fire fighters alike. Throughout the period we were assisting on other fires, we had more fire fighters on duty then are normally staffed, to respond to additional emergencies in our district.

There are several things that I would recommend that all residents of the ESD do. They include: registering your phones for Reverse 9-1-1 and developing an emergency plan for your family to ensure that you are ready should a wild fire develop in our area. This system lets you register your cell phones. You can also register your phones for addresses of family members in other areas of the region.

The following are links to Ready- Set-Go and CAPCOG's wireless registration. Register your phones. Both of these links are on our website. www.vvfd.net. In addition, check out the link to the Texas Forest Service. They have several additional videos that you might find helpful.

I would encourage each of you to check out these links and make sure that you are: Ready-Set-Go for a wildfire. Don't hesitate to contact the fire station should you have any questions.

Sincerely,

Walter Groman

Walter Groman, CFO
Fire Chief
Volente Fire Department

Construction Report

Subm Date	Address	Owner name	Builder	Status	Variance	red tag/compl	CO	
2/23/2011	15805 Buddy Ln	Belote	Belote	Permitted/not started	no			Garage
4/5/2011	7623 Debbie	DiRe	DiRe	Permitted/in progress	no			Garage
	Village Pizzeria	Estes		No further activity				Commerc
4/26/2011	Started asb removal 4/26/11			completed				
	7804 Brandy Way	Redmond	Legacy DCS	App. Waiting on pre-const				SFR
	Isle Estates/Mary St		Resubm replat	App & Replatted				Subdivision
	Lake Travis Sub 13	Ron Murray		App & Replatted	7			Subdivision
4/27/2011	15805 Booth Circle	Moumouris	Michael Lamendola	Appl subm & Revie ATS				demolish
Pending	8108 Joy	Yates	Mark Collins	Permitted/in progress	pending			SFR

**Special Called Village of Volente Council Meeting,
Tuesday, May 24, 2011, 8:00 A.M.
At VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

MINUTES

A. ITEMS OPENING MEETING

1. Call to order.

Mayor Justine Blackmore-Hlista called the meeting to order at 8:00 PM.

2. Roll Call

Those present were Mayor Blackmore-Hlista, Mayor Pro Tem Graber, and Councilmember's Wilder, Graci, Scott and Hammond.

3. Discussion and possible action to approve addition of asphalt overlay on Davy Street to the Debbie Drive asphalt overlay project at an additional cost of \$16,000.

Councilmember Wilder made a motion to approve the additional overlay of asphalt by Travis County on Davy Drive for a cost of \$16202.66. Mayor Pro Tem seconded.

Councilmember Wilder amended his motion to approve the overlay of Davy Drive by Travis County for a cost of approximately \$16,000.00 not to exceed \$20, 000. Mayor Pro Tem Graber agreed to the amendment. The motion passed unanimously.

4. Discussion and possible action to grant permission to Richard and Pamela Margetic to improve public right of way Amos Drive and authorize Mayor to sign letter of consent.

Councilmember Scott made a motion to authorize the mayor to sign a consent letter once it is approved by the Village Attorney to the Margetic family giving authorization to overlay Amos Drive. Councilmember Hammond seconded. The motion was approved unanimously.

F. Adjourn

Councilmember Hammond made a motion to adjourn. Councilmember Graci seconded. The motion was approved unanimously. The meeting adjourned at 8:10 PM.

PASSED AND APPROVED THIS _____ DAY OF JUNE, 2011

Justine Blackmore-Hlista, Mayor

ATTEST:

Jennifer Zufelt, City Secretary

**Notice of the Village of Volente Special Council Meeting,
Monday, June 27, 2011, 8:00 A. M.
At VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

A. OPENING MEETING

1. Call to order. Mayor Justine Blackmore-Hlista
Meeting was called to order at 8:00 a.m.
2. Roll Call Mayor Justine Blackmore-Hlista
Roll was called. Present were Justine Blackmore-Hlista, Mark Scott, Frederick Graber, Judith Graci, Christopher Wilder, Matthew Hammond. City Attorney Tom Buckle also present.

B. CLOSE PUBLIC MEETING, OPEN EXECUTIVE SESSION

The Village Council will announce that it will go into Executive Session, if necessary, pursuant to Section 551.074 of the Texas Government Code "Personnel Matters" to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee and Section 551.071 "Consultation with Attorney" to seek his advice on pending or contemplated legal matters including possible settlement offers which involve privileged communications between a client and its attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

Council adjourned into executive session at 8:02 a.m. To discuss the following items:

1. Discussion regarding candidates for the position of Village Secretary/Assistant to Village Administrator and the appointment, employment and duties of the Village Secretary/Assistant to Village Administrator.
2. Discussion regarding candidates for the position of Code Enforcement Official and the appointment, employment and duties of the Code Enforcement Official.
3. Discussion regarding possible employee severance agreements

C. CLOSE EXECUTIVE SESSION, OPEN PUBLIC MEETING

The council reconvened from executive session at 9:03 a.m to discuss the following items:

- D. DISCUSSION AND POSSIBLE ACTION** on the appointment, employment and duties of the Village Secretary/Assistant to the Village Administrator.

Councilmember Mark Scott made a motion to authorize the Finance and Administration Committee to pursue Joan Jackson for possible appointment and employment as the Village Secretary/Assistant to the Village Administrator. Chris Wilder seconded. All voted in favor.

- E. DISCUSSION AND POSSIBLE ACTION** on the appointment, employment and duties of the Code Enforcement Official.

Councilmember Judith Graci made a motion to authorize the mayor to execute a consulting agreement with Peter McKinney to perform Code Enforcement duties for the Village of Volente. Councilmember Matthew Hammond seconded. All voted in favor.

- G. DISCUSSION AND POSSIBLE ACTION** on employee severance agreement
No action taken.

H. ADJOURN

Matthew Hammond made motion to adjourn, Mark Scott seconded. All in favor. Meeting adjourned at 9:18 a.m.

PASSED AND APPROVED THIS DAY OF _____ OF _____ 2011.

Justine Blackmore-Hlista, Mayor

If you have questions or comments, please contact the Village Office at (512) 250- 2075.

The Village of Volente reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any enforcement of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

The Village of Volente is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal access to communications will be provided to those who provide notice to the Village Office at (512) 250- 2075 at least 48 hours in advance.

**Notice of the Village of Volente Special Council Meeting,
Friday, July 1, 2011, 8:30 A. M.
At VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

A. OPENING MEETING

1. Call to order. Mayor Justine Blackmore-Hlista

Meeting was called to order at 8:32 a.m.

2. Roll Call Mayor Justine Blackmore-Hlista

Roll was called. Present were Justine Blackmore-Hlista, Matthew Hammond, Mark Scott, Christopher Wilder, Judith Graci, Frederick Graber.

B. CLOSE PUBLIC MEETING, OPEN EXECUTIVE SESSION

The Village Council will announce that it will go into Executive Session, if necessary, pursuant to Section 551.071 "Consultation with Attorney" to seek his advice on pending or contemplated legal matters including possible settlement offers which involve privileged communications between a client and its attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

Council adjourned into executive session at 8:34 a.m to discuss the following item:

1. Discussion regarding employee severance agreement for Jennifer Zufelt

CLOSE EXECUTIVE SESSION, OPEN PUBLIC MEETING

The council reconvened from executive session at 8:56 a.m to discuss the following items:

D. DISCUSSION AND POSSIBLE ACTION on employee severance agreement for Jennifer Zufelt
Mark Scott made a motion to authorize the mayor to negotiate a severance agreement with Jennifer Zufelt.
Judy Graci seconded. All agreed.

E. DISCUSSION AND POSSIBLE ACTION on hiring part-time temporary office help
Frederick Graber made a motion to authorize the mayor to hire part-time temporary office help as necessary to provide support for necessary office functions. Mark Scott seconded. All agreed.

F. ADJOURN

Matthew Hammond made a motion to adjourn. Chris Wilder seconded. All agreed. Meeting adjourned at 9:13 a.m.

If you have questions or comments, please contact the Village Office at (512) 250-2075.

The Village of Volente reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any enforcement of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

The Village of Volente is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal access to communications will be provided to those who provide notice to the Village Office at (512) 250- 2075 at least 48 hours in advance.

PASSED AND APPROVED THIS _____ DAY OF _____ OF 2011.

Justine Blackmore-Hlista, Mayor

**Notice of the Village of Volente Special Council Meeting,
Thursday, July 21, 2011, 8:00 A. M.
At VVFD and Community Center, 15406 FM 2769, Volente, Texas.**

A. OPENING MEETING

1. Call to order. Mayor Justine Blackmore-Hlista

Meeting was called to order at 8:06 a.m.

2. Roll Call Mayor Justine Blackmore-Hlista

Roll was called. Present were Justine Blackmore-Hlista, Frederick Graber, Christopher Wilder, Matthew Hammond, Judith Graci, Mark Scott

B. CLOSE PUBLIC MEETING, OPEN EXECUTIVE SESSION

The Village Council will announce that it will go into Executive Session, if necessary, pursuant to Section 551.074 of the Texas Government Code "Personnel Matters" to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Council adjourned into executive session at 8:08 a.m to discuss the following items:

1. Discussion regarding candidates for the position of Village Secretary/Assistant to Village Administrator and the appointment, employment and duties of the Village Secretary/Assistant to Village Administrator.

C. CLOSE EXECUTIVE SESSION, OPEN PUBLIC MEETING

Council reconvened from executive session at 9:10 a.m to discuss the following items:

- D. DISCUSSION AND POSSIBLE ACTION** on the appointment, employment and duties of the Village Secretary/Assistant to the Village Administrator.

Mark Scott made a motion to hire Joan Jackson as Village Secretary / Assistant to the Village Administrator with a starting date of August 1, 2011. Judy Graci seconded. All agreed.

E. DISCUSSION AND POSSIBLE ACTION to appoint interim Village Secretary

No action taken.

F. ADJOURN

Judy Graci made a motion to adjourn. Frederick Graber seconded. All agreed. Meeting adjourned at 9:22 a.m.

If you have questions or comments, please contact the Village Office at (512) 250- 2075.

The Village of Volente reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any enforcement of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

The Village of Volente is committed to compliance with the Americans with Disabilities Act (ADA). Reasonable accommodations and equal access to communications will be provided to those who provide notice to the Village Office at (512) 250- 2075 at least 48 hours in advance.

PASSED AND APPROVED THIS _____ DAY OF _____, 2011

Justine Blackmore-Hlista, Mayor

VILLAGE OF VOLENTE COUNCIL MEETING

TUESDAY, AUGUST 16, 2011 7:00 P.M.

VVFD AND COMMUNITY CENTER

15406 FM 2769, Volente, TX

A. Items Opening Meeting

1. Call to Order

Mayor Justine Blackmore-Hlista called the meeting to order at 7:07 p.m.

2. Roll Call

City Secretary/Village Assistant Joan Jackson called roll. All council members were present:

Mark Scott, Judy Graci, Frederick Graber, Chris Wilder, Matthew Hammond

3. Pledge to the Flag

4. Village Vision Statement was read by Matthew Hammond

B. Citizen Communication

1. There were not any comments at this time. David Dire did sign in to address the council on a pending item.

C. General Business and Action Items

1. Discussion and possible action to direct Planning and Zoning to review and make recommendations regarding amending the site development ordinance to provide rules for exemptions from certain requirements of the site development ordinance for single family residential construction.

City Engineer, David Simon, defined the possible amendments to the site development ordinance. Mark Scott made a motion to direct Planning and Zoning Committee to review and make recommendations back to the Council. Matthew Hammond seconded the motion. All were in favor and motion passed.

2. Discussion and possible action to direct Planning and Zoning to consider and make recommendations regarding ordinances for restricting unsanitary or dangerous conditions and structures within Volente.

Matthew Hammond made a motion to send this item to Planning and Zoning and let them make a recommendation back to Council. Judy Graci seconded the motion. Chris Wilder amended the motion that the restrictions should not violate a person's 4th amendment. The motion passed 3 to 2 with Mark Scott and Frederick Graber voting against it.

3. Discussion and possible action on a request for a variance from the sign ordinance Section 35.140b for temporary real estate sign of 4' by 4' (16 square feet).

Matthew Hammond made a motion to grant the variance. Mark Scott seconded the motion. The motion passed with Fredrick Graber voting against it.

4. Discussion and possible action to approve and sign renewal of interlocal agreement for public health services between the City of Austin and the Village of Volente.

Chris Wilder made a motion to approve the motion. Matthew Hammond seconded the motion. All were in favor.

5. Discussion and possible action to approve interlocal agreement with the Capital Metro for reimbursement of any remaining unspent funds for 2009, 2010, 2011.

Frederick Graber made a motion to approve the interlocal agreement with Capital Metro and for the Mayor to sign the agreement. Matthew Hammond seconded the motion. All were in favor.

6. Discussion and possible action to adopt resolution for approving the Texas Colorado River Floodplain Coalition's Hazard Mitigation Plan Update.

Mark Scott made a motion to adopt the resolution and authorize the Mayor to sign. Judy Graci seconded the motion. All were in favor.

7. Discussion and possible action to sign a cooperative agreement with Travis County to join the Urban Community and be eligible for community block grants.

Chris Wilder made a motion to table this issue until more information can be obtained on it. Matthew Hammond seconded the motion. All were in favor.

8. Discussion and approval for signature of Worker's Compensation Payroll Adjustment Form for year 2011-2012.

This item was not discussed as it does not need to be on the agenda.

9. Discussion and possible action to appoint Joan Jackson, City Secretary, as Floodplain Administrator for the Village of Volente.

Mark Scott made a motion to appoint Joan Jackson as Floodplain Administrator. Matthew Hammond seconded the motion. All were in favor.

10. Discussion and possible action to appoint Joan Jackson as the Public Information Officer for the Village of Volente.

Mark Scott made a motion to appoint Joan Jackson as the public information officer. Matthew Hammond seconded the motion. All were in favor.

11. Discussion and possible action to authorize the purchase of furniture for the city office.

See Item 13

12. Discussion and possible action to authorize the purchase of a new computer and associated software for the city office.

Frederick Graber made a motion to authorize the purchase of a new computer and software up not to exceed the amount of \$1200.00. Judy Graci seconded the motion. All were in favor.

13. Discussion and possible action to authorize a contract with Mike Van de Nack for construction of a partition in the city office for \$1200.00.

Matthew Hammond made a motion to authorize the purchase of furniture for the city office not to exceed \$2500.00 and the construction of a partition with Mike Van de Nack for the city office not to exceed \$1200.00. Mark Scott seconded the motion. All were in favor.

14. Update on work with Travis County to add and replace road signs.

Matthew Hammond gave an update on this report. Chris Wilder added some information.

15. Discussion and possible action to approve financial statements for June and July, 2011.

Mark Scott gave financial accounting for the months of June and July.

16. Discussion and possible action on the 2011/2012 budget and tax rate.

Mark Scott gave an itinerary for possible meetings to set a tax rate for 2011/2012 and approve a budget.

17. Report on current construction in Volente.

Justine Blackmore-Hlista gave the report on current construction.

D. Adjourn

Chris Wilder made a motion to adjourn at 9:22 p.m. Matthew Hammond seconded the motion. All were in favor.

PASSED AND APPROVED THIS 16TH DAY OF AUGUST, 2011.

Justine Blackmore-Hlista, Mayor

ATTEST:

Joan Jackson

City Secretary/Assistant to Mayor

Village of Volente Council Work Session
Tuesday, August 30, 2011 8:00 a.m.
At VVFD and Community Center, 15406 FM 2769, Volente, Texas.

MINUTES

1. Call to Order

Mayor Justine Blackmore Hlista called the meeting to order at 8:00 a.m. City Secretary Joan Jackson called the roll. Present: Judy Graci, Mark Scott, Frederick Graber, Chris Wilder. Absent: Matthew Hammond

2. Budget Workshop 2011/2012

Mark Scott began reviewing the 2010/2011 budget item by item. Several items were combined into one line item and others were deleted for the proposed 2011/2012 budget. New estimated revenues and expenses were added to a proposed 2011/2012 budget. It was decided the tax rate will be adopted and the new proposed budget will be adopted at the Council meeting on 9-20-2011.

There was discussion of a hike and bike trail and road upgrades. Money was tentatively added to fund these projects.

3. Adjourn

Mark Scott made a motion to adjourn the meeting at 9:30 a.m. Frederick Graber seconded the motion. All were in favor.

PASSED AND APPROVED THIS _____ DAY OF SEPTEMBER, 2011.

Mayor Justine Blackmore-Hlista

Joan Jackson, City Secretary